

RULING

March 16, 2021

No. 7525-21-00-2-2M/45

city of Almaty

Medeu District Court No. 2 of the city of Almaty composed of the judge T. Sh. Shakirov, in the presence of the courtroom secretary T. T. Srailov, with the participation of the prosecutor of the Medeu District of the city of Almaty A. R. Zhuasbaeva, the convict A. K. Ilyashev, lawyer Yu. Bit-Kochar, having examined, in an open court using audio-video fixation, via video conferencing and Zoom application, the petition of the convict Ilyashev Alnur Kairatovich on the clarification of all sorts of doubts and uncertainties arising from the execution of the sentence

ESTABLISHED:

In his petition A. K. Ilyashev states that on June 22, 2020, by the judgment of the Medeu District Court No. 2 of the city of Almaty, he was found guilty of committing a crime under Article 274 Part 4 Paragraph 2 of the Criminal Code of the Republic of Kazakhstan, and sentenced to 3 years probation and one hundred hours of forced labor per year throughout the entire term of probation, with an additional punishment in the form of deprivation of the right to engage in civil and public activities aimed at voluntarily serving the political, cultural, and professional needs of society, to create and partake in the activities of political parties, public associations and foundations for a period of 5 years.

[He] asks to clarify whether it is forbidden for him to publicly: recite poetry and other literary works; participate in theatrical and other stage performances, in shooting of television and video films, and cinema movies; write and publish his own literary works (stories, novellas, memoirs, children's fairy tales, pamphlets, etc.); vocally and/or instrumentally perform musical works; engage in enhancing the citizens' culture, including through pedagogical activities in the field of education; other forms of citizens' public expression in the field of culture or cultural behavior in public.

The Judge, after hearing the convict A. K. Ilyashev, his lawyer Yu. Bit-Kochar, who supported the petition, the prosecutor A. R. Zhuasbaeva, who asked to dismiss the petition, the Court came to the following.

Under Article 476 Paragraph 17 of the Criminal Procedure Code of the Republic of Kazakhstan, the issues to be considered by the court in execution of the sentence include clarification of all sorts of doubts and uncertainties arising from the execution of the sentence.

By the judgment of the Medeu District Court No. 2 of the city of Almaty dated June 22, 2020, A. K. Ilyashev was found guilty of committing a crime under Article 274 Part 4 Paragraph 2 of the Criminal Code of the Republic of Kazakhstan, and sentenced to 3 (three) years probation and one hundred hours of forced labor per year throughout the term of the probation.

In addition, under Article 50 Part 3 of the Criminal Code of the Republic of Kazakhstan A. K. Ilyashev was sentenced to additional punishment in the form of deprivation of the right to engage in civil and public activities aimed at voluntarily serving the political, cultural, and professional needs of society, to create and partake in the activities of political parties, public associations and foundations for a period of 5 years.

Being guided by Articles 476-478 of the Criminal Procedure Code of the Republic of Kazakhstan, the Court

RULED:

Clarify to Ilyashev Alnur Kairatovich that it is forbidden for him to engage in any civil and public activities aimed at voluntary serving the political, cultural, and professional needs of society, to create and partake in the activities of political parties, public associations and foundations.

The ruling can be appealed in the Almaty City Court and the prosecutor can petition the Almaty City Court, within fifteen days, through the Medeu District Court No. 2 of the city of Almaty.

Judge

T. Sh. Shakirov